



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

fu

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,651	06/28/2001	Dieter Otto	1589.GLE.PT	4840

26986 7590 05/27/2003

MORRISS O'BRYANT COMPAGNI, P.C.
136 SOUTH MAIN STREET
SUITE 700
SALT LAKE CITY, UT 84101

EXAMINER

TRIEU, THERESA

ART UNIT	PAPER NUMBER
----------	--------------

3748

DATE MAILED: 05/27/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/787,651

Applicant(s)

OTTO, DIETER

Examiner

Theresa Trieu

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on April 1, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-42, 60, 91-99, 117, 118, 120 and 121 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 33-42, 60, 91-99, 117, 118, 120 and 121 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to the Amendment filed on April 1, 2003

Claims 33-42, 60, 91-99, 117, 118, 120 and 121 are pending in this application.

The arguments with respect to the references applied in the first Office Action were deemed persuasive; however, a new non-final rejection is set forth below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 33 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindberg (Patent Number 3,193,190) in view of Brucken (Patent Number 4,144,005).

Re claims 33 and 60, as shown in Figs 1 and 2, Lindberg disclose a vacuum pump comprising: a drivable rotor (28) having a blade in a housing which can be set in rotation, the rotor (28) being comprising plastic and being formed as one piece, the rotor comprising a first longitudinal section (not numbered; however, clearly seen in Fig. 1) configured for being coupled to a drive shaft (35) via which a torque can be transmitted from a drive shaft to the rotor

Art Unit: 3748

(28). However, Lindberg fails to disclose the first longitudinal section being formed as one piece with the rotor.

As shown in Fig. 1, Brucken teaches that it is conventional in the art to utilize the first longitudinal section (40) being formed as one piece with the rotor (30 – see col. 2, line 4-8). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have utilized the first longitudinal section being formed as one piece with the rotor as taught by Brucken, since the use thereof is shown to be conventional in the analogous device of Lindberg. Applicant should also note that that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

2. Claims 34-37, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindberg '190 in view of Brucken as applied to claim 33 above, and further in view of Hattori et al. (Publication Number JP 61-149594).

The modified Lindberg device discloses the invention as recited above; however, the modified Lindberg fails to disclose the cavities extending into the central area of the rotor.

Re claim 34, Hattori et al. teach that it is conventional in the art to utilize the cavity (19) opening at the edge of the rotor (1); the rotor (1) having at least two cavities (19) which are each introduced from a frontal side of the rotor and that the rotor having at least one closed wall (not numbered; however, clearly seen in Figure 1 and 2) running transversely or essentially transversely to the central longitudinal axis of the rotor (1), the wall separating the cavities (19) from one another in the axial direction. With regard to claims 35-37, 41, and 42, as shown in

Art Unit: 3748

Figures 2, 3 and 7, Hattori et al. further disclose the cavity is introduced from a position consisting of the group of the drive shaft (3), frontal side of the rotor, and the frontal face of the rotor (2) turned away from the drive; the rotor (2) comprising walls having a slight thickness (see Figure 2); the rotor (2) comprising two wall areas and a transition between the two wall areas of the rotor having a different thickness, and which is continuous; the rotor having at least two cavities (19) disposed next to one another which are separated from one another by a rib (see Figure 7); the rotor (1) having wall areas and wherein the rib is thinner than the rest of the wall areas of the rotor (see Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have utilized the rotor having the cavity as taught by Hattori et al., to reduce the weight of the rotor, in the modified Lindberg device.

3. *Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindberg '190 in view of Brucken as applied to claim 33 above, and further in view of Otto. (Patent Number 5,707,222).*

The modified Lindberg device discloses the invention as recited above; however, fails to disclose the rotor having a slot and supports.

Re claims 38-40, Otto further discloses the rotor has a slot (19) and at least one support having (15, 17) a diameter which is smaller than the rotor diameter in the area of the slot in which the blade is displaceable; the rotor (1) having a diameter and a slot and wherein the rotor has at least one support (15, 17) whose diameter is the same size as the rotor diameter in the area of the slot in which the blade is displaceable. It would have been obvious to one having ordinary

Art Unit: 3748

skill in the art at the time the invention was made, to have utilized the slot and supports as taught by Otto, to support the rotor and the blades, in the modified Lindberg device.

4. *Claims 91- 99, 117, 118, 120 and 121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindberg '190 in view Hattori et al. (Publication Number JP 61-149594), and further in view of Otto (Patent Number 5,707,222).*

Re claim 91, as shown in Fig. 1, the modified Lindberg discloses a drivable rotor (28) configured for rotating a blade (32) in a housing, the rotor comprising a plastic and being formed as one piece. However, the modified Lindberg fails to disclose the cavities extending into the central area of the rotor and the rotor having a slot and supports.

Re claim 91, Hattori et al. teach that it is conventional in the art to utilize the cavity (19) opening at the edge of the rotor (1); the rotor (1) having at least two cavities (19) which are each introduced from a frontal side of the rotor and that the rotor having at least one closed wall (not numbered; however; clearly seen in Figure 1 and 2) running transversely or essentially transversely to the central longitudinal axis of the rotor (1), the wall separating the cavities (19) from one another in the axial direction. With regard to claims 92-94, 98, 99, 120 and 121, as shown in Figures 2, 3 and 7, Hattori et al. further disclose the cavity is introduced from a position consisting of the group of the drive shaft (3), frontal side of the rotor, and the frontal face of the rotor (2) turned away from the drive; the rotor (2) comprising walls having a slight thickness (see Figure 2); the rotor (2) comprising two wall areas and a transition between the two wall areas of the rotor having a different thickness, and which is continuous; the rotor having at least two cavities (19) disposed next to one another which are separated from one another by a

Art Unit: 3748

rib (see Figure 7); the rotor (1) having wall areas and wherein the rib is thinner than the rest of the wall areas of the rotor (see Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have utilized the rotor having the cavity taught by Hattori et al., to reduce the weight of the rotor, in the modified Lindberg device.

Otto teaches that it is conventional in the vacuum pump art to utilize the rotor having a slot and supports . With regard claims 95-97, 117 and 118, Otto further discloses the rotor has a slot (19) and at least one support having (15, 17) a diameter which is smaller than the rotor diameter in the area of the slot in which the blade is displaceable; the rotor (1) having a diameter and a slot and wherein the rotor has at least one support (15, 17) whose diameter is the same size as the rotor diameter in the area of the slot in which the blade is displaceable. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have utilized the rotor having the slot and supports as taught by Otto, to support the rotor and blade in the Lindberg device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 703-308-6434. The examiner can normally be reached on Monday-Thursday 7:30am- 6:00pm - Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E Denion can be reached on 703-308-2623. The fax phone numbers for the

Art Unit: 3748

organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9302 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

TT

May 20, 2003



Theresa Trieu

Patent Examiner

Art Unit: 3748



THOMAS DENION
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700